

ENVIRONMENTAL PROTECTION

ENVIRONMENTAL REGULATION

DIVISION OF ENVIRONMENTAL SAFETY AND HEALTH

Notice of Finding Under the Private Well Testing Act Regarding Sufficient Number of Laboratories Certified to Perform Short-Term 48-hour Rapid Gross Alpha Test

Take notice that the Department of Environmental Protection (Department) has determined that, consistent with the requirements of the Private Well Testing Act (PWTa), N.J.S.A. 58:12A-26 et seq., there are a sufficient number of laboratories certified to conduct the short term 48-hour gross alpha test to screen for the presence of radium that are able to provide results at a reasonable cost within 10 days of a request for testing.

The PWTa was enacted on March 23, 2001. Under the PWTa, as of September 16, 2002, certain wells must be tested as a condition of each contract for sale of real property. As of March 15, 2004, testing requirements for landlords who rent a property with drinking water supplied by a private well will become effective under the statute. Effective September 16, 2002, the Department adopted the Private Well Testing Act Rules, N.J.A.C. 7:9E, and amended the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, to implement the requirements of the PWTa.

The PWTa, at N.J.S.A. 58:12A-29.b.(1), states that the Department "shall conduct an annual review to determine if there are a sufficient number of laboratories certified to perform the short term 48-

hour gross alpha test to screen for the presence of radium that are able to provide results at a reasonable cost within 10 days of a request for testing. This review shall be based upon the projected number of transactions for which the test is required." The findings must be published in the New Jersey Register.

As of the date of this notice, there are six laboratories certified by the Department to perform the 48-hour Rapid Gross Alpha Test to screen for the presence of radium (gross alpha screening test). The Department asked each of the certified laboratories to determine their capacity to perform the test within ten days of the request and to provide an average cost for testing.

The six laboratories reported capabilities to complete the analysis of between 10 and 20 samples each day. Based on this information, the Department estimates that there is available laboratory capacity to analyze approximately 20,000 gross alpha screening test samples over the next year.

In accordance with the Private Well Testing Act rules at N.J.A.C. 7:9E-2.1(d), requirements to conduct the gross alpha screening test in Cumberland and Gloucester Counties became effective March 15, 2003. For Atlantic, Burlington, Camden and Salem Counties, gross alpha screening testing is required as of September 16, 2003. For Cape May, Mercer, Middlesex, Monmouth, Ocean, and Hunterdon Counties, gross alpha screening testing is required as of March 16, 2004.

From the period of September 1, 2002 through May 27, 2003, 463 gross alpha screening test results were submitted to the Department in response to the requirements of the PWTA and rules. Based on the above-noted effective dates of the requirements for the gross alpha screening test, the number of expected real estate transactions for these counties (31,550) and an estimate that 10 percent of these properties will have private wells necessitating testing under the PWTA, the Department anticipates a need

to test a total of 3155 samples in the next year.

These estimates do not include required analyses for leased properties, as information on the number of these properties that will require testing is not available at this time. However, since the requirement to conduct gross alpha screening for leased properties does not become effective until March 15, 2004, and the projected laboratory capacity is well above that which will be necessary for private residences, the Department believes sufficient capacity also exists to conduct testing for leased properties.

The certified laboratories reported that the average cost for gross alpha testing ranged from \$62 to \$150. Cost is often directly related to how quickly the test results must be obtained. Given the potential benefit to public health, the Department believes this cost to be reasonable.

The Department will reevaluate laboratory capacity for the conduct of the gross alpha screening test on an annual basis, consistent with the requirements of the PWTA.

For further information on the Private Well Testing Act rules, please contact the Department's Toll-Free Information Hotline: 1-866-4PW-TEST or 1-866-479-8378, or the Departments PWTA website at www.state.nj.us/dep/pwta. Information regarding certified laboratories can be obtained through the PWTA website or by contacting the Office of Quality Assurance at (609)292-3950.

Date

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Environmental Regulation